

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

	,)	
)	
Plaintiff,)	
)	C.A. No.
v.)	
)	
	,)	
)	
Defendants.)	

CASE SCHEDULING ORDER

WHEREAS, a complaint was filed on _____;

WHEREAS, the Court having conferred with counsel;

IT IS HEREBY ORDERED that:

1. The following schedule controls this proceeding. Any amendments or modifications to the deadlines established in this Order must be approved by the Court.

- a. Filing of Motions to Add or Amend: _____.
- b. Plaintiff's Expert Report Deadline: _____.
- c. Defendant's Expert Report Deadline: _____.
- d. Plaintiff's Rebuttal Expert Report, if any, Deadline: _____.
- e. Discovery Cut-Off: Discovery must be initiated so that it will be completed by _____.

- f. Filing Dispositive Motions and *Daubert* Motions Deadline:
_____.
- g. Filing Motions in *Limine* Deadline: _____.
- h. Pretrial Stipulation must be received by the Court on or before
_____.
- i. Pretrial Conference will be held in person on _____. Trial
Counsel must attend the pretrial conference.
- j. Proposed jury instructions must be submitted to the Court on or
before _____.
- k. Final Office Conference, if needed, _____ at _____.m.
- l. Trial – a ___-day JURY TRIAL is scheduled to commence on
_____ beginning at 9:00 a.m.

2. **Mandatory ADR.** ADR is to be conducted by _____.

a. The parties must notify the Court in writing of the date of the scheduled ADR. The parties may be excused from this deadline only by order of the Court. All parties must attend and participate in the ADR in good faith, unless expressly excused by the ADR practitioner. Insurance adjusters with authority up to policy limits must also attend. Neither the fact nor the result of the ADR must be admissible at trial. The ADR proceedings must not be transcribed unless specifically authorized by the Court for good cause shown.

b. An Interim Status Report will be due no more than **14 days** after ADR has been conducted. Among other issues, the parties must advise the Court of the outcome of mandatory ADR.

3. **Routine Civil Motions.** Routine Civil Motions are heard on Thursdays at 9:00 a.m. Motions must be filed at least 10 days (excluding holidays and weekends) prior to the noticed hearing. Responses are due the Friday before the hearing. No replies are permitted. The motion and response must have a notice page indicating the date and time of the motion hearing. A courtesy copy of the motion and response must be promptly delivered to Chambers.

4. **Dispositive and Daubert Motions.** The parties should contact Chambers via email to obtain a hearing date. Responses are due 30 days after the motion is filed. A reply may be filed within 7 days (excluding holidays and weekends) after the response. The motion and response shall not exceed 10 pages, the reply shall not exceed 6 pages, and each must have a notice page indicating the date and time of the motion hearing. Two courtesy copies of each must be delivered promptly to Chambers.

5. **Motions *in Limine*.** Responses are due 10 days (excluding holidays and weekends) after the motion is filed. A reply may be filed within 5 days (excluding holidays and weekends) after the response. The motion and response

shall not exceed 10 pages and the reply shall not exceed 6 pages. Two courtesy copies of each must be delivered promptly to Chambers.

6. **Pretrial Stipulation.** At least 15 days before the pretrial conference, plaintiff's counsel must forward to defendant's counsel a draft of the pretrial stipulation and order with the information plaintiff proposes to include in the order. Within 5 days from the date of receiving that draft, defendant's counsel must provide plaintiff's counsel with comments on the plaintiff's draft and the information the defendant proposes to include in the order.

a. The proposed order must, at a minimum, cover the matters set forth in Form 46 (pretrial stipulations) contained in the appendix of Superior Court Civil Rules.

b. The stipulation is to identify all potential trial exhibits by Bates Number or some other specific description so that the exhibits are readily identifiable.

c. Special *Voir Dire* – All proposed special *voir dire* questions must be included with the pretrial stipulation.

7. **Exhibits.** Counsel must exchange exhibits and meet to resolve objections. Unresolved objections will be resolved at the pretrial conference, if possible. Exhibits must be pre-marked.

8. **Jury Instructions.** Counsel must confer and attempt to agree upon jury instructions. Areas of disagreement must be noted within the specific proposed instruction with supporting authority and where needed, the proposed alternative instruction. This order will not prevent the parties from submitting additional proposed instructions that may be justified by the evidence presented at trial. One hard copy AND an electronic copy in Microsoft Word format must be sent to Chambers at Stephanie.Jackson@delaware.gov.

9. **Final Office Conference.** A final office conference will be held to address outstanding objections to exhibits and other issues that may be addressed prior to trial.

10. Counsel are advised that all of the deadlines established by this Case Scheduling Order are firm deadlines. Failure to meet these deadlines, absent good cause shown, likely will result in the Court refusing to allow extensions regardless of the consequences. Amendments to this Case Order must be by Order of the Court on appropriate motion or stipulation of the parties.

Dated: _____

Judge Kathleen M. Miller